

MANDATE

**United States Court of Appeals
For the First Circuit**

07-40112
USDC, MA
Young, W.

Nos. 07-2173
07-2174

IN RE: JACALYN S. NOSEK, DEBTOR

AMERIQUEST MORTGAGE COMPANY,

Appellant,

v.

JACALYN S. NOSEK,

Appellee.

JUDGMENT

Entered: October 3, 2008

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The district court's judgment affirming the bankruptcy court's judgment in the adversary proceeding is vacated, and the matter is remanded to the bankruptcy court for dismissal. The district court's judgment affirming the confirmation of the Third Amended Plan is vacated, and that matter is remanded to the bankruptcy court with instructions to vacate its order confirming that Plan.

Each party shall bear its own costs.

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**


Richard Cushing Donovan, Clerk

Deputy Clerk

By the Court:

/s/ Richard Cushing Donovan, Clerk

Date: 11/5/08

cc: Hon. William G. Young, Ms. Sarah A. Thornton, Clerk, United States District Court for the District of Massachusetts, Mr. Charlton, Mr. Ablitt, Mr. Stone, Mr. Dato, & Mr. Garfinkle.